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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,423	04/19/2000	STUART A FRASER	CF/002	3987

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EXAMINER
DASS, HARISH T

ART UNIT	PAPER NUMBER
3693	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 August 2006</u>.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 38-62</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 38-62</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>8/11/06</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

8/4/2006 has been entered.

Claims 2-37 are cancelled.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 38-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Silverman et al. (hereinafter Silverman - US 5,924,082) in view of Wilton et al.

(hereinafter Wilton – US 7,080,033) and Tozzoli (US 5,717,989).

Re. Claim 1, Silverman discloses determining for each of a plurality of participants in the market a minimum credit ranking necessary to trade with each respective participant in the market [Figure 5 #507;col. 9 line 25 to col. 10 line 30; col. 4 lines 20-22]: and

comparing the party's credit ranking with each of the plurality of participants' credit rankings to determine if the party has sufficient credit ranking to trade with each respective participant [col. 1 lines 44-46; col. 4 lines 14-27; col. 8 lines 20-32]; and

Wilton discloses disallowing trades between the party and a respective participant when the party has insufficient credit ranking to trade with the respective participant [col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] and applying a host qualification test to a party to determine a credit ranking for the party with respect to a market [col. 1 lines 21-26; col. 2 lines 18-37] to *prevent credit risk to the trading entity*. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Silverman and include disallowing trades between the party and a respective participant when the party has insufficient credit ranking to trade with the respective participant and applying a host qualification test to a party to determine a credit ranking for the party with respect to a market, as disclosed by Wilton, *to ensure the credit worthy of the counter parties and prevent credit risk to the trading entities.*

Tozzoli discloses applying a third party qualification test to the party, in which the third party qualification test. (see setting limits and credit agency ratings) [Abstract; Figure 4; col. 1 lines 5-35; col. 3 line 57 to col. 4 line 26; col. 6 lines 20-32; claims] *to shield seller form risk of non-payment and buyers compliance to original purchase*

order. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Silverman and Wilton and include applying a third party qualification test, as disclosed by Tozzoli, *to evaluate the ensure risk of the seller to shield the seller from losses.*

Re. Claim 38, Silverman discloses the party has sufficient credit ranking, and allowing the party access to trade in the market [col. 1 lines 39-50; col. 2 lines 31-40]. Silverman or Wilton does not disclose bypassing the applying the third party qualification test step. However, Tozzoli discloses this step [C6 L20-L32 – see funder may elect ...] *to accelerate the process.* It would be obvious to one of ordinary skill in the art to modify disclosure of Silverman and Wilton and add bypassing the applying the third party qualification, as taught by Tozzoli, *to make the qualification easy for immediate approval of profile.*

Re. Claim 39, Silverman discloses dynamically updating the party's credit ranking based on one or more of: a measure of a number of trades made by the party in the market; a measure of an amount of trades made by the party in the market; a measure of volatility in the market; a measure of a range of prices in the market; and a measure of volume in the market [Figures 4-6; Col. 9 line 25 to col. 10 line 58].

Re. Claim 40, Wilton, further discloses determining whether the party is qualified to trade with a first participant that is qualified to trade with a second participant; and

qualifying the party to trade with the second participant based upon the party being qualified to trade with the first participant [Figure 2; col. 5 lines 30-47] *to allow one party to trade under the credit line of another party*. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Silverman and include determining whether the party is qualified to trade with a first participant that is qualified to trade with a second participant; and qualifying the party to trade with the second participant based upon the party being qualified to trade with the first participant, as disclosed by Wilton, *to allow one party to trade under the credit line of another party*.

Re. Claims 41-42, Tozzoli further discloses wherein the applying the host qualification test step and the applying the third party qualification test step are performed only once when the party first enters the market, and wherein the applying the host qualification test step and the applying the third party qualification test step are performed dynamically as the party trades in the market [Abstract; Figure 4; col. 1 lines 5-35; col. 3 line 57 to col. 4 line 26; col. 6 lines 20-32; claims] *to shield seller form risk of non-payment and buyers compliance to original purchase order*. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Silverman and Wilton and include wherein the applying the host qualification test step and the applying the third party qualification test step are performed only once when the party first enters the market, and wherein the applying the host qualification test step and the applying the third party qualification test step are

performed dynamically as the party trades in the market, as disclosed by Tozzoli, *to*
evaluate the ensure risk of the seller to shield the seller from losses.

Re. Claim 43, is rejected with same rational as claim 1

Re. Claim 44, Wilton further discloses denying the party access to the market if the
party has insufficient credit ranking to trade with any of the plurality of participants [col. 5
lines 27-29; col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] *prevent credit risk*
to the trading entities. It would have been obvious at the time the invention was made to
a person having ordinary skill in the art to modify the disclosures of Silverman and
include denying the party access to the market if the party has insufficient credit ranking
to trade with any of the plurality of participants, as disclosed by Wilton, *to ensure the*
credit worthy of the counter parties and prevent credit risk to the trading entities.

Re. Claims 45-46, Silverman discloses establishing a credit limit for the party based on
the party's credit ranking [col. 9 lines 40-49], disallowing a trade by the party when the
trade exceeds the credit limit [col. 1 lines 43-67].

Re. Claims 47-48, Wilton further discloses sending an alerting message when the party
is approaching the credit limit [col. 1 lines 30-41; col. 9 lines 60-65; col. 10 lines 21-32]
and establishing a credit limit for the party with at least one of the plurality of participants
[Figures 1; 13-14 and associated descriptions] *to inform the party of insufficient credit*

and allow the party to update credit limit to trade to qualify the party for bilateral trade. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Silverman and include sending an alerting message when the party is approaching the credit limit, as disclosed by Wilton, *to inform the party of insufficient credit limit where the party can update its credit limit and qualify the party for bilateral trade with counterparts.*

Re. Claim 49, Silverman discloses wherein the market is for trading a currency Instrument [col. 9 lines 59-64].

Re. Claim 50, Silverman discloses comparing the party's updated credit ranking with each of the plurality of participants' credit rankings to determine if the party has sufficient credit ranking to trade with each respective participant [col. 10 lines 30-58].

Re. Claim 51, Wilton further discloses disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant [col. 5 lines 27-29; col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] *prevent credit risk to the trading entities.* It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Silverman and include disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with

the respective participant, as disclosed by Wilton, *to ensure the credit worthy of the counter parties and prevent credit risk to the trading entities.*

Re. Claim 52, Silverman discloses updating a credit limit for the party based on the party's updated credit ranking [col. 10 lines 30-40; col. 11 lines 32-35].

Re. Claims 53-54, Silverman discloses wherein dynamically performing the steps includes updating the party's credit ranking as the party trades in the market [col. 10 lines 33-40], and wherein dynamically performing the steps includes comparing the party's updated credit ranking with each of the plurality of participants' credit rankings to determine if the party has sufficient credit ranking to trade with each respective participant [col. 10 lines 30-58].

Re. Claim 55, Wilton further discloses disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant [col. 5 lines 27-29; col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] *prevent credit risk to the trading entities.* It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Silverman and include disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant, as disclosed by Wilton, *to ensure the credit worthy of the counter parties and prevent credit risk to the trading entities.*

Re. Claim 56, Silverman discloses updating a credit limit for the party based on the party's updated credit ranking [col. 9 lines 40-49].

Re. Claim 57, Silverman discloses applying a measure to one or more trades by the party to mark the trades to market; and using data related to the marked to market trades to dynamically update the party's credit ranking [col. 2 lines 41-67; col. 11 lines 6-31].

Re. Claim 58, Silverman discloses comparing the party's updated credit ranking with each of the plurality of participants' credit rankings to determine if the party has sufficient credit ranking to trade with each respective participant [col. 10 lines 30-58].

Re. Claim 59, Wilton further discloses disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant [col. 5 lines 27-29; col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] *prevent credit risk to the trading entities.* It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Silverman and include disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant, as disclosed by Wilton, *to ensure the credit worthy of the counter parties and prevent credit risk to the trading entities.*

Re. Claim 60, Wilton further discloses wherein the measure is an average weighted price of trades in the market [col. 10 line 65 to col. 11 line 6] to appropriately weigh and adjust the means for securities to present the market behavior. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Silverman ad include wherein the measure is an average weighted price of trades in the market, as disclosed by Wilton, to present the price of a security which shows the market behavior appropriately.

Re. Claim 61, Wilton further discloses disallowing a close-out of a trade between the party and a respective participant when the party has insufficient credit ranking with respect to the respective participant [col. 5 lines 27-29; col. 1 lines 34-41; col. 11 lines 30-32; col. 5 lines 37-46] *prevent credit risk to the trading entities.* It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Silverman and include disallowing trades between the party and a respective participant when the party's updated credit ranking is insufficient to trade with the respective participant, as disclosed by Wilton, *to ensure the credit worthy of the counter parties and prevent credit risk to the trading entities..*

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman in view of Tozzoli.

Re. Claim 62, Silverman discloses determining for each of a plurality of participants in

the market a minimum credit ranking necessary to trade with each respective participant

in the market; and comparing the party's credit ranking with each of the plurality of

participants' credit rankings to determine if the party has sufficient credit ranking to trade

with each respective participant [Figure 5 #507;col. 9 line 25 to col. 10 line 30; col. 4

lines 20-22; col. 1 lines 44-46; col. 4 lines 14-27; col. 8 lines 20-32]; and allowing trades

between the party and a respective participant when the party has sufficient credit

ranking to trade with the respective participant [col. 1 lines 39-50; col. 2 lines 31-40].

Tozzoli discloses applying a third party qualification test to the party, in which the third

party qualification test. (see setting limits and credit agency ratings) [Abstract; Figure 4;

col. 1 lines 5-35; col. 3 line 57 to col. 4 line 26; col. 6 lines 20-32; claims] *to shield seller*

form risk of non-payment and buyers compliance to original purchase order. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Silverman and include applying a third party

qualification test, as disclosed by Tozzoli, *to evaluate the ensure risk of the seller to*

shield the seller from losses.

Response to Arguments

3.   Applicant's arguments with respect to pending claims have been considered but

are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693

10/2/06